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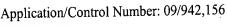


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/942,156	08/29/2001	James R. Hornsby	6866.01	6818
. 7.	590 12/24/2002			
David E. Bruhn Dorsey & Whitney LLP 220 South Sixth Street			EXAMINER	
			ACKUN, JACOB K	
Minneapolis, M	/IN 55402-1498 ·		ART UNIT	PAPER NUMBER
		•	3712	
			DATE MAILED: 12/24/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

6:	Application No.	Applicant(s)	7
	09/942,156	HORNSBY ET AL.	¹µ(
Office Action Summary	Examiner	Art Unit	
	Jacob K. Ackun Jr.	3712	
The MAILING DATE f this communication Period for Reply	n appears on the cover sheet wi	th the correspondence address	_
A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communication - If the period for reply specified above is less than thirty (30) days, - If NO period for reply is specified above, the maximum statutory properties to reply within the set or extended period for reply will, by - Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ON. FR 1.136(a). In no event, however, may a ron. a reply within the statutory minimum of thirt, beriod will apply and will expire SIX (6) MON statute, cause the application to become AB	eply be timely filed (30) days will be considered timely. THS from the mailing date of this communication ANDONED (35 U.S.C. § 133).	n.
Status) ·		
1) Responsive to communication(s) filed on	<u> </u>		
2a)☐ This action is FINAL . 2b)☐	This action is non-final.		
3) Since this application is in condition for a closed in accordance with the practice ur			is
Disposition of Claims		•	
4) Claim(s) 1-32 is/are pending in the applic			
4a) Of the above claim(s) is/are with	hdrawn from consideration.	+	
5) Claim(s) is/are allowed.	*		
6) Claim(s) is/are rejected.			
7) Claim(s) is/are objected to.	ψ		* *
8) Claim(s) <u>1-32</u> are subject to restriction and	d/or election requirement.	8 1	· · .
Application Papers	•	*	
9) The specification is objected to by the Exam		•	
10) The drawing(s) filed on is/are: a)			
Applicant may not request that any objection	- · · · · · · · · · · · · · · · · · · ·		
11) The proposed drawing correction filed on _		sapproved by the Examiner.	ū.
If approved, corrected drawings are required			
12) The oath or declaration is objected to by th	e Examiner.		
Priority under 35 U.S.C. §§ 119 and 120		•	
13) Acknowledgment is made of a claim for fo	reign priority under 35 U.S.C. §	119(a)-(d) or (f).	
a) ☐ All b) ☐ Some * c) ☐ None of:			·
1. Certified copies of the priority docur	ments have been received.		
2. Certified copies of the priority docur	ments have been received in Ap	pplication No	
 Copies of the certified copies of the application from the Internationa See the attached detailed Office action for a 	al Bureau (PCT Rule 17.2(a)).	_	
14) Acknowledgment is made of a claim for don	mestic priority under 35 U.S.C.	§ 119(e) (to a provisional applicati	on).
a) \square The translation of the foreign language	e provisional application has be	en received.	,
 15) Acknowledgment is made of a claim for dor Attachment(s) 	nesuc priority under 35 U.S.C.	39 120 and/or 121.	
1) Notice of References Cited (PTO-892)	A) [1] Interview of	ummon (DTO 442) Deese Nets	
 Notice of References Cited (P10-692) Notice of Draftsperson's Patent Drawing Review (PT0-948) Information Disclosure Statement(s) (PT0-1449) Paper Notes 	B) 5) Notice of Ir	ummary (PTO-413) Paper No(s) formal Patent Application (PTO-152)	



Art Unit: 3712

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Group 1, the species of race track system shown in figs 1-16;

Group 2, the species of race track system shown in figs. 17-26;

Group 3, the species of race track system shown in figs. 17-34

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob K. Ackun Jr. whose telephone number is (703)308-3867. The examiner can normally be reached on Monday through Friday 8.30AM-5.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703)308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3579 for regular communications and (703)305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0858.

Jacob K. Ackun Jr. Primary Examiner Art Unit 3712

J.A. December 12, 2002